

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 L-02 AID-05 TRSE-00 SS-15 NSC-05 DOTE-00

CIAE-00 COME-00 EB-07 FRB-03 INR-07 NSAE-00 XMB-02

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FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC 7441

INFO AMEMBASSY GUATEMALA

C O N F I D E N T I A L SAN SALVADOR 0678

E.O. 11652 - GDS

TAGS: EINV, ETRD, ES

SUBJ: IRCA: AMBASSADOR BETRAND VISIT TO EMBASSY

REF: A) STATE 031275 (AND PREVIOUS); B) SAN SALVADOR 0208 NOTAL
(AND PREVIOUS)

1. EL SALVADOR AMBASSADOR TO THE US BETRAND GALINDO CALLED
ON THE AMBASSADOR MORNING OF 13 FEBRUARY AT FORMER'S INITIATIVE
TO DISCUSS IRCA CASE.

2. BERTRAND WAS CARRYING AN IRCA CASE FILE AND APPEARED WELL
BRIEFED. HE MENTIONED THAT HE HAD DISCUSSED IRCA WITH SEVERAL
SENIOR GOES OFFICIALS, INCLUDING THE PRESIDENT'S OFFICE AND
THE JUDICIARY AND ALL WERE IN AGREEMENT THAT IRCA HAS NOT EX-
HAUSTED AVAILABLE LEGAL RECOURSES IN ITS CHALLENGE TO GOES
TERMINATION OF ITS RAILROAD CONCESSION WITHOUT COMPENSATION.

3. BETRAND CITED TWO POSSIBLE COURSE FOR IRCA. ONE WOULD
BE TO CHALLENGE CONSTITUTIONALITY OF TAKEOVER BEFORE THE SUPREME
COURT (UNDER CONSTITUTIONAL PROCEDURE, DECREE NO 2996, TITLE I,
ARTICLE 2). CHALLENGE CAN BE MADE BY ANY SALVADORAN CITIZEN
AND BETRAND SUGGESTED SUCH A CITIZEN (E.G. IRCA'S ATTORNEY)
CAN CERTAINLY BE FOUND. SECONDLY, IRCA CAN BRING SUIT IN
LOWER COURTS FOR INDEMNIZATION AND THE CASE WILL BE TRIED
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ON ITS MERITS. BETRAND SAID HE WOULD DISCUSS THESE ALTER-

NATIVES WITH IRCA LAWYER TRIGUEROS IMPLICITLY EXPRESSING
GOES INTEREST IN TREATING IRCA FAIRLY AND LEGALLY SO AS
NOT
TO DAMAGE EITHER INVESTMENT CLIMATE FOR FOREIGNERS IN EL
SALVADOR, OR BILATERAL RELATIONS WITH US.

4. AMBASSADOR BETRAND SAID HE WOULD BRIEF FONMIN BORGONOVO
IN DEPTH ON HIS CONVERSATIONS WITH EMBASSY AND TRIGUEROS,
AND WOULD URGE AMICABLE TREATMENT.

5. DR TRIGUEROS HAS NOT APPROACHED THE EMBASSY AS WAS
FORECAST IN REFTEL A. PERHAPS HE HAS YET TO RECEIVE INSTRUC-
TION AND THE LEGAL SERVICES INDUCEMENT HE HAS TOLD US HE
WOULD REQUIRE BEFORE INITIATING LOCAL ACTION.

6. COMMENT: BETRAND'S APPROACH WAS MUCH LESS CATEGORICAL
THAN ORIGINAL GOES PUBLISHED STATEMENTS ON IRCA AND IS A
DEFINITE SOFTENING OF ATTITUDE. IT WOULD SEEM THAT GOES,
WHILE NOT ENAMORED OF IRCA, IS NOW PREPARED TO RECOGNIZE IRCA'S
RECOURSE TO LEGAL CHANNELS FOR CHALLENGING ITS ACTION OR TO SUE FOR
INDEMNIZATION, IN ORDER TO TURN ASIDE POSSIBLE ADVERSE USG
AND INVESTOR REACTIONS.
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